

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GREGORY J. CRYAN, JERRY KEITH  
BOWMAN, JR.; WILLIAM M.  
HAYNES; MATTHEW C. McCOUN;  
PHILLIP R. LEEK AND STEVEN  
FISCHER;

Plaintiffs,

v.

CBIZ INSURANCE SERVICES, INC.  
and MIKE GILL, Individually,

Defendants.

CIVIL ACTION NO. 1:24-CV-  
02708-SDG

**DEFENDANTS' BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE  
INFORMATION UNDER SEAL**

Defendants CBIZ Insurance Services, Inc. and Mike Gill (“Defendants”) seek leave to file under seal the redacted portions of their Notice of Removal and Exhibit B, the Declaration of Michael Kouzelos. On June 21, 2024, Defendants filed unredacted versions of the Notice of Removal and Exhibit B provisionally under seal, after filing redacted versions publicly on June 20, 2024. In support of their motion, Defendants state as follows:

**I. Legal Standard**

The common law presumes that the public has a right of access to judicial materials. *Callahan v. United Network for Organ Sharing*, 17 F.4th 1356, 1363 (11th

Cir. 2021). A party may overcome the common law right of access “by a showing of good cause, which requires balancing the asserted right of access against the other party’s interest in keeping the information confidential.” *Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1246 (11th Cir. 2007) (quotation omitted). “Concerns about trade secrets or other proprietary information . . . can overcome the public interest in access to judicial documents.” *Callahan*, 17 F.4th at 1363. Moreover, courts in this Circuit have found good cause to seal salary and other employee compensation information. *See, e.g., Pledger v. Reliance Trust Co.*, 2019 WL 4439606, \*20 (finding good cause to seal salary information where a party publicly filed a redacted version of the transcript).

## **II. The Confidential Information**

On June 12, 2024, Plaintiffs filed a Complaint in the Superior Court of Fulton County captioned *Gregory J. Cryan, Jerry Keith Bowman, Jr., William M. Haynes, Matthew C. McCoun, Phillip R. Leek and Steven Fischer v. CBIZ Insurance Services, Inc. and Mike Gill, Individually*, Civil Action File No. 24CV007421 (the “Superior Court Action”). On June 20, 2024, Defendants removed the case to the U.S. District Court for the Northern District of Georgia. To support their argument that the amount in controversy with respect to each plaintiff exceeded \$75,000, Defendants submitted a declaration of Michael Kouzelos, containing the specific amounts earned by each Plaintiff in commissions in 2023 and 2024. This

confidential information implicates Defendants' proprietary interests, by revealing internal information on how CBIZ compensates its brokers, as well as Plaintiffs' privacy interests, by revealing how much money each of them made from Defendants in 2023 and 2024. Accordingly, Defendants seek to file under seal only the portions of their Notice of Removal and the Declaration of Michael Kouzelos that reveal the specific commissions paid to Plaintiffs. *See Pledger*, 2019 WL 4439606, \*20 (granting motion to seal compensation information).

### **III. Conclusion**

For the foregoing reasons, Defendants request leave to file under seal the redacted portions of their Notice of Removal and Exhibit B, the Declaration of Michael Kouzelos.

A Proposed Order is attached as Exhibit 1.

Respectfully submitted June 21, 2024.

/s/ Jeffrey S. Cashdan  
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**CERTIFICATE OF COMPLIANCE**

I, Jeffrey S. Cashdan, hereby certify that the foregoing has been prepared with one of the font and point selections approved by the Court in LR 5.1(B) and complies with the page limitations in LR 7.1(D).

/s/ Jeffrey S. Cashdan  
Jeffrey S. Cashdan

**CERTIFICATE OF SERVICE**

I, Jeffrey S. Cashdan, hereby certify that on this date, June 21, 2024, I filed the foregoing with the Clerk of the Court via the Court's electronic filing system, which will provide electronic mail notice to all counsel of record.

/s/ Jeffrey S. Cashdan  
Jeffrey S. Cashdan